



PLANNING COMMISSION MEETING STAFF REPORT JANUARY 26, 2006

Projects:	FREMONT/DECOTO GENERAL PLAN AMENDMENT – (PLN2006-00032, PLN2006-00105, PLN2006-00122)
Proposal:	To consider a General Plan Amendment and Centerville Specific Plan Amendment to change the land use designation from Low Density Residential 5-7 units/acre to Medium Density Residential 18-23 units/acre, and to remove the Study Area designation, for properties located at the northeast corner of Fremont Boulevard and Decoto Road.
Recommendation:	Recommend to City Council
Location:	3853-3893 Decoto Road and 34826 Fremont Boulevard in the Northern Plain Planning Area. APN's 543-0300-002-02, 543-0300-003-02, 543-0300-003-03, 543-0300-001-04, 543-0300-013-02, 543-0300-014 (See aerial photo next page)
Area:	2.65-acres
People:	Jitender Makar, Edge Concepts, Inc, Phoi Phan, Phan Architects, Applicants City of Fremont, Applicant Jitender Makar, Shyam Gopal, Rick and Shusheng Huang, Owners Harvey Abel Pelicano, Owner Scott Ruhland, Staff Planner (510) 494-4453, sruhland@ci.fremont.ca.us
Environmental Review:	A Mitigated Negative Declaration has been prepared and circulated for this project.
General Plan:	Existing: Low Density Residential, 5-7 units per acre Proposed: Medium Density Residential, 18-23 units per acre
Zoning:	Existing: R-1-6, Single Family Residential Proposed: PD, Planned District (pending General Plan Amendment approval)

EXECUTIVE SUMMARY:

The proposed project is a request from three applicants, including the City of Fremont, for a General Plan Amendment to increase the allowable density of six properties from Low Density Residential, 5-7 units per acre, to Medium Density Residential, 18-23 units per acre. The combined project site is 2.65 acres in size and based on the proposed density range could allow a maximum of 61 units on the combined site. The project also includes elimination of the Study Area #6 designation for these and adjacent properties and an amendment to the Centerville Specific Plan which acknowledges the site with a density of 5-7 units per acre.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



[1 inch = 375 feet]

SURROUNDING LAND USES:

- North: Single-Family Residential
- South: Decoto Road and commercial use beyond
- East: Commercial uses (St. Vincent De Paul)
- West: Single-Family Residential

BACKGROUND AND PREVIOUS ACTIONS:

The existing land use for all properties located on the northeast corner of Fremont Boulevard and Decoto Road is a mix between *Neighborhood Commercial* and *Low Density Residential*. Existing buildings on these properties include:

- Commercial building (former Rite Aid) on the corner (3909 Decoto Road)
- Vacant lot on Fremont Boulevard (34854 Fremont Blvd)
- Two Queen Anne Victorians on Fremont Boulevard (built c. 1890) (34826 & 34840 Fremont Blvd)
- Queen Anne Victorian on Decoto Road (built c. 1890) (3881 Decoto Road)
- Two Ranch Style Homes on Decoto Road (3853 & 3871 Decoto Road)
- Mission Style Home on Interior Lot (3893 Decoto Road)
- Multi-family apartment building (3885-3889 Decoto Road)

No significant previous actions have been associated with these properties and the only entitlement granted was a Conditional Use Permit for a Daycare use that has since ceased. However, there is some background on these and adjacent parcels that should be noted. A City-Initiated General Plan Amendment (GPA-96-10) and Rezoning (Z-96-4) occurred for the adjacent properties along Fremont Boulevard. These actions changed the land use from Low Density Residential, 5-7 units per acre, to Neighborhood Commercial, and the zoning from R-1-6 to Planned District.

The northeast corner of Fremont Boulevard and Decoto Road is designated as a *Study Area* in the City's General Plan. The Study Area designation applies to properties or areas within the City that warrant additional analysis in regards to land use changes. The corner of Fremont and Decoto contains a total of nine (9) properties, although only six (6) are being considered for the land use change.

The perceived site conditions at this corner are that of an underutilized commercial complex and a mix of vacant and occupied residential properties varying in condition from good to poor. Vacant and underutilized portions of these properties are deteriorating and not maintained. Street improvements have not been installed on many of the properties. Properties on this corner are large with an average size of 23,000 square feet. This corner has good access and is located near two arterial roadways, Fremont Boulevard and Decoto Road.

The City has received simultaneous General Plan Amendment requests for certain properties at this corner and may receive future development applications on adjacent sites. In addition to the two private applicants for three of the properties, the City has initiated a General Plan Amendment for the remaining residentially designated properties at this corner from *Low Density Residential* to *Medium Density Residential*, consistent with these proposals. Properties designated as Neighborhood Commercial would remain unchanged.

Planning for the entire corner comprehensively presents an opportunity to ensure land use compatibility and plan for future infill development to address the housing needs of the City. It will also improve the perceived blighted conditions existing on site along with providing better use of the vacant and underutilized land. It also provides an excellent opportunity to preserve and retain three potentially historic Queen Anne Victorians and other single-family homes on site if necessary, and improve street conditions by installing curbs, gutter, sidewalk and street trees when these properties develop. Table 1 below summarizes the proposed land use change.

In preparation for the land use change, the City prepared a traffic generation analysis and referenced past studies that have been prepared for the properties. The traffic analysis indicates a net increase in vehicle trips of 301 daily trips and 26 PM peak hour trips. Daily traffic volumes on Decoto Road and Fremont Boulevard are 32,900 and 26,100 vehicles per day respectively, for a total of 59,000 daily trips that pass by the site. The net increase in daily trips of 301 vehicle trips per day resulting from the proposed General Plan Amendment to increase residential density represents a 0.51 percent increase over the total existing daily trips and is not considered a significant impact to existing roadway level of service operations.

A State of California Department of Parks and Recreation Primary Record, used to evaluate potential historic resources, has been previously prepared for the Silva-Dias House and Barn, located on the front portion of 34826 Fremont Boulevard. This portion of the lot has a Neighborhood Commercial land use designation and is not being changed as part of this project. The Primary Record identifies the house as eligible for the State of California Register of Historic Places. The owner of the property acknowledges the intent to retain this structure and reuse it as an office and/or commercial use.

A Biotic Assessment was also prepared by HT Harvey and found that no significant biological resources exist on site.

Table 1 – Fremont/Decoto Application Summary

Property Address	Existing General Plan Land Use	Proposed General Plan Land Use	Applicant
3853 Decoto Road	Low Density Residential <i>5-7 units per acre</i>	Medium Density Residential <i>18-23 units per acre</i>	Jitender Makar
3871 Decoto Road	Low Density Residential <i>5-7 units per acre</i>	Medium Density Residential <i>18-23 units per acre</i>	City of Fremont
3881 Decoto Road	Low Density Residential <i>5-7 units per acre</i>	Medium Density Residential <i>18-23 units per acre</i>	City of Fremont
3885-3889 Decoto	Low Density Residential <i>5-7 units per acre</i>	Medium Density Residential <i>18-23 units per acre</i>	City of Fremont
3893 Decoto Road	Low Density Residential <i>5-7 units per acre</i>	Medium Density Residential <i>18-23 units per acre</i>	Phan Architects
34826 Fremont Blvd (Rear Portion Only)	Low Density Residential <i>5-7 units per acre</i>	Medium Density Residential <i>18-23 units per acre</i>	Phan Architects
Properties with No Change Proposed			
34826 Fremont Blvd (Front Portion Only)	Neighborhood Commercial	No Change Proposed	n/a
34840 Fremont Blvd	Neighborhood Commercial	No Change Proposed	n/a
34854 Fremont Blvd	Neighborhood Commercial	No Change Proposed	n/a
3909 Decoto Road	Neighborhood Commercial	No Change Proposed	n/a

PROJECT DESCRIPTION:

The proposed project is a request for a General Plan Amendment and Centerville Specific Plan Amendment to increase the allowable density of the identified properties from Low Density Residential,

5-7 units per acre to Medium Density Residential, 18-23 units per acre. The General Plan Amendment also includes elimination of the Study Area #6 designation for all properties located at this corner.

The combined project site is 2.65 acres in size and based on the proposed density could allow a maximum of 61 units. The specific intent of this proposal is to develop multifamily residential units, along with site improvements including common open space, landscaping and parking. Street improvements along Decoto Road and Fremont Boulevard would also be installed. It should also be noted that these sites are being planned to connect the sites and allow through access via a private street. Two conceptual site plans have been provided that generally indicate how development could occur on these sites. These site plans are included as informational enclosures to this report. However, at this time, the City is only considering the change of land use designation from **Low Density** to **Medium Density Residential**. Any specific multi-family development will be reviewed at a later date if the land use change is approved.

Assuming favorable recommendation and approval of the General Plan Amendment by City Council, the next step in the process would include a Planned District rezoning, site plan and architectural approval and preparing a set of development standards and design guidelines for the site. If a Planned District rezoning is subsequently proposed, that will be considered by the Planning Commission and City Council.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Low Density Residential, 5-7 units per acre. The proposed project is a request for a General Plan Amendment to increase the density on the site from 5-7 units per acre to 18-23 units per acre. The project is consistent with the proposed General Plan land use designation for the project site because the applicant intends to increase the development potential of the site consistent with the Medium Density Residential range of 18-23 units per acre.

The properties are also part of General Plan Study Area #6 which contemplates land use changes at this location from its current residential designation to an increased residential density designation. Land Use Policy 7.7 addresses Study Areas:

- **Land Use Policy 7.7:** *A Study Area designation signals the City's intent to apply a land use designation, but where additional analysis is required prior to allowing development on the site. The land use designation shown on the City's Planning Area Land Use Diagram is therefore tentative. The types of studies will vary from site to site, but can include analysis of potential traffic impacts, impacts of proposed use on adjacent property owners, and site-specific constraints (such as past use of toxic materials) which may influence future uses of the site. Studies can be initiated by the City, property owner or developer.*

The Study Area #6 designation also includes adjacent properties that are not part of the specific proposal to increase density. However, these properties have already been built out and/or already contain acceptable land use designations and do not warrant further study. Therefore, it is recommended that the Study Area designation be eliminated altogether.

The following General Plan Goals and Policies are also applicable to the proposed project:

- **Housing Goal 2** – *High quality and well-designed new housing of all types throughout the City.*
- **Housing Goal 4** – *A continuing leadership role in regional efforts to maintain and expand the range of housing alternatives in the San Francisco Bay Area.*

Analysis

The project conforms to these policies because it anticipates high quality and well designed new housing within the City. The development standards and design guidelines that will be brought forward with the Planned District rezoning will help ensure this. The City's proactive approach to plan for the long term development of this site and adjacent sites reinforces Housing Goal 4.

- **Land Use Goal 1** – *New housing development while conserving the character of the City's existing single family residential neighborhoods.*
- **Land Use Policy 1.1** – *Residential as the primary use allowed in residentially designated areas. The type of residential use depends on the permitted density and other criteria to protect neighborhood character and the safety and welfare of residents.*

Analysis

The project conforms to these policies because it would conserve the quality and character of nearby residential neighborhoods and potentially historic structures while allowing residential uses in this residentially designated area.

Centerville Specific Plan Amendment

The Centerville Specific Plan includes a portion of the project area in one of its sub-areas. The property is only acknowledged with its current density range and zoning district. There is no specific discussion or policy direction regarding the property from the Specific Plan. The purpose of the amendment to the Centerville Specific Plan is to update the density range in conformance with the proposed designation.

Zoning Regulations:

The properties are currently zoned R-1-6, single family residential. Pending approval of the General Plan Amendment for this site, and adjacent sites, a Planned District rezoning will be brought forward for consideration. The City's intent is to plan these sites consistently and in an organized manner to ensure orderly and cohesive development. It is anticipated that a set of development standards and design guidelines will accompany the Planned District rezoning to guide development on this corner.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration, has been prepared for the six project sites. The environmental analysis identified concerns regarding potential impacts to cultural and biological resources, noise, geology/soils and air quality. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included in the Mitigation and Monitoring Plan for the project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for recommendation by the Planning Commission to the City Council.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089. The Certificate of Fee Exemption allows the project to be exempt from the review fee and environmental review by the California Department of Fish and Game.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The ACCMA did not have any comments on the project.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 62 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on January 12, 2006. A Public Hearing Notice was published by The Argus on January 12, 2006.

ENCLOSURES:***Exhibits:***

- Exhibit "A" General Plan Amendment
- Exhibit "B" Centerville Specific Plan Amendment
- Draft Mitigated Negative Declaration and Mitigation and Monitoring Program

Informational Items:

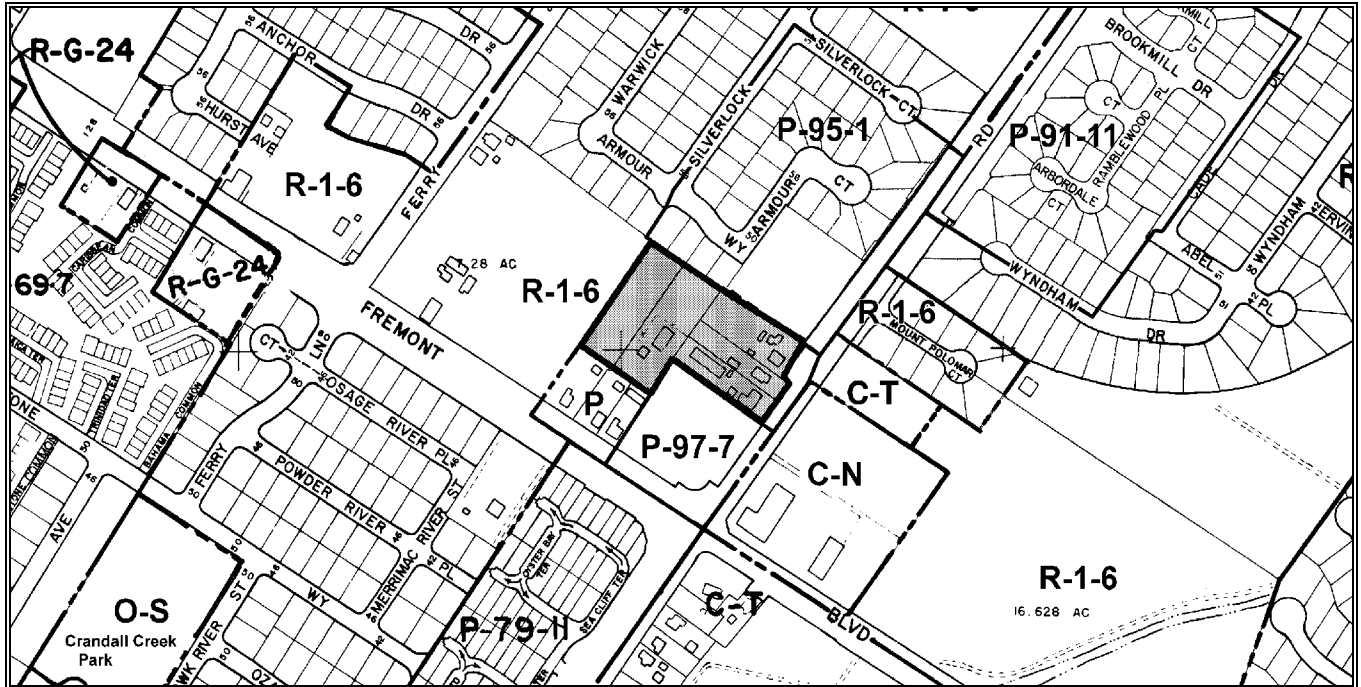
1. Initial Study
2. Conceptual Site Plans

RECOMMENDATION:

1. Hold public hearing.
2. Recommend that the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend that the City Council approve draft Mitigated Negative Declaration with accompanying Certificate of Fee Exemption and find it reflects the independent judgment of the City of Fremont.

4. Recommend that the City Council approve of the Mitigation Monitoring Plan for Fremont/Decoto General Plan Amendment, PLN2006-00032, -00105, -00122.
5. Find General Plan Amendment and Centerville Specific Plan Amendment, PLN2006-00032, -00105, -00122, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
6. Recommend that the City Council approve General Plan Amendment, PLN2006-00032, -00105, -00122, to amend the General Plan land use designation in conformance with Exhibit "A" (General Plan Amendment Exhibit).
7. Recommend that the City Council approve Centerville Specific Plan Amendment, PLN2006-00032, -00105, -00122, to amend the Centerville Specific Plan in conformance with Exhibit "B" (Centerville Specific Plan Exhibit).

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

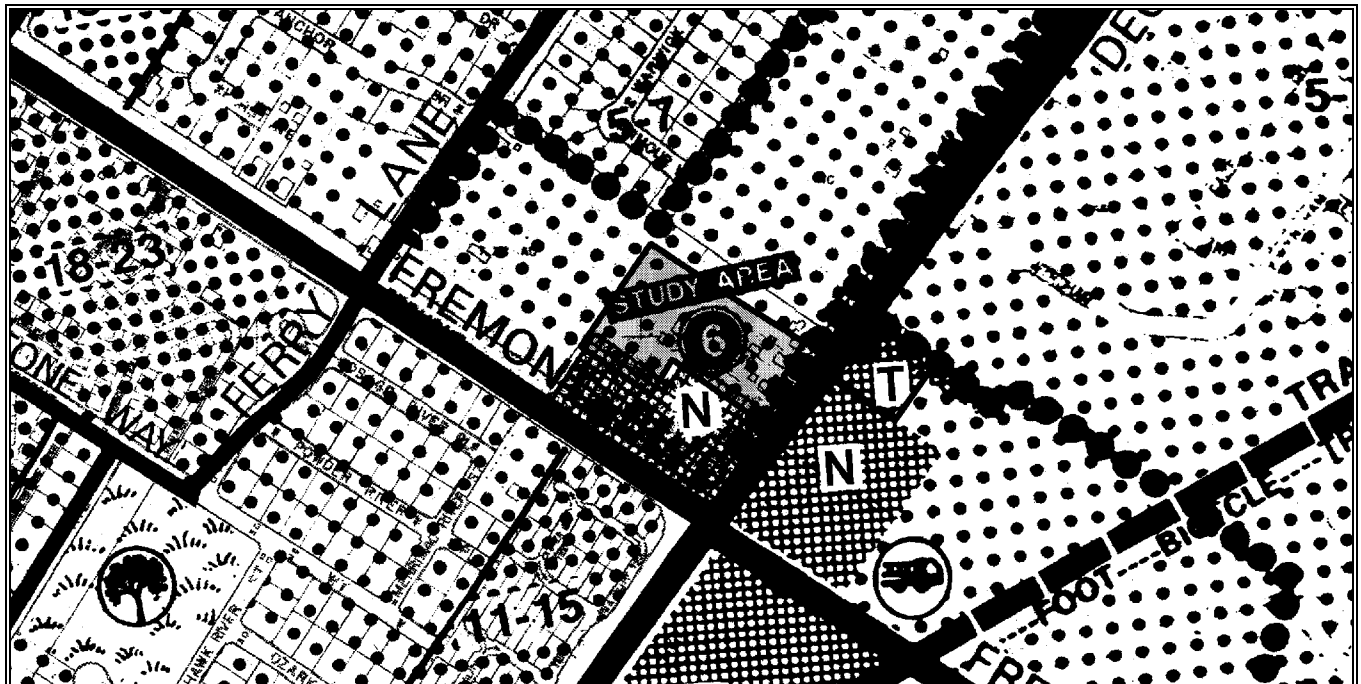


EXHIBIT “ A ”

Attached to and made a part of

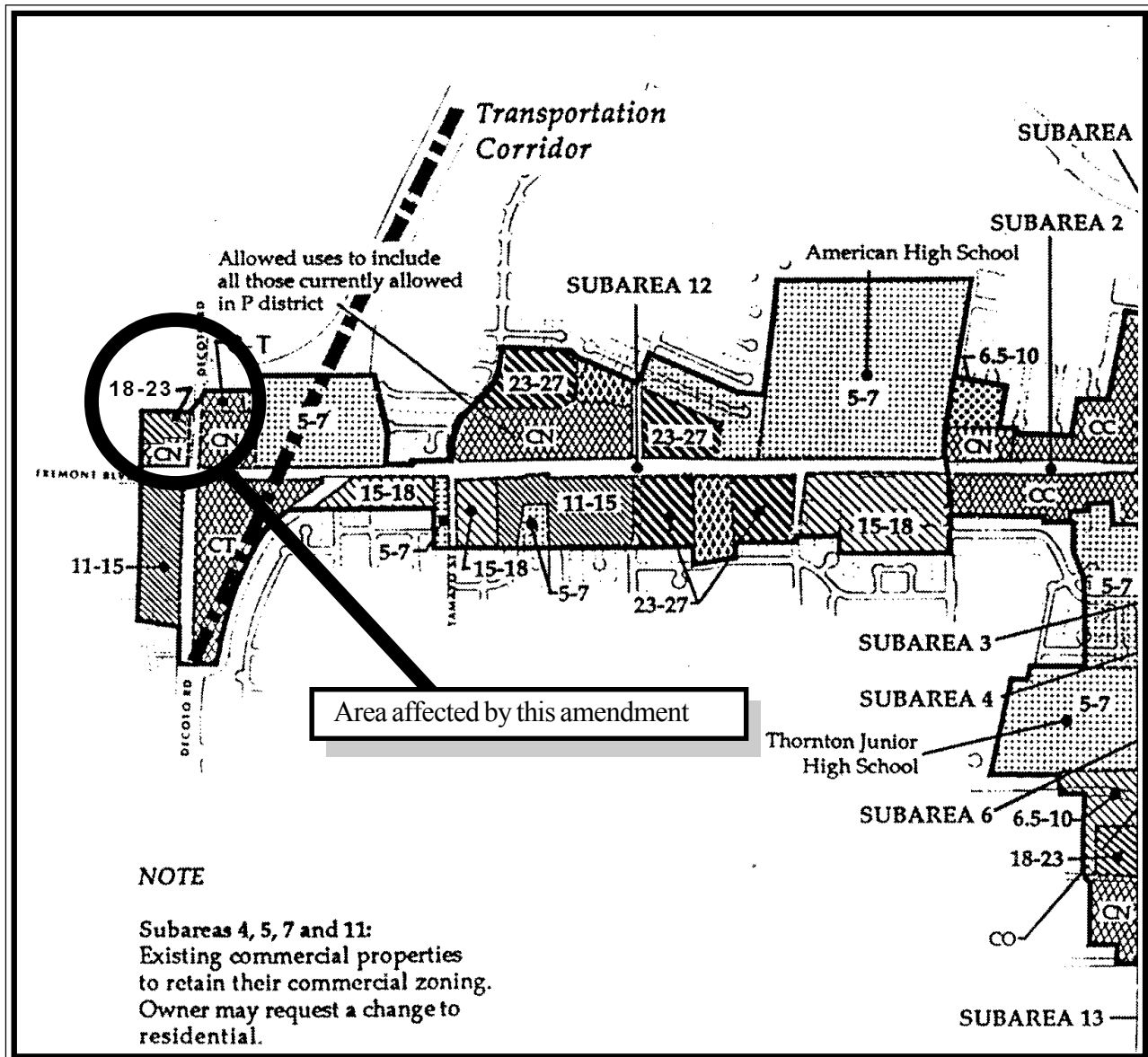
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, 20 06.

CENTERVILLE SPECIFIC PLAN OVERLAY (SECTION)

AFFECTS *Figure C-1 Planned Land Uses*, in the CENTERVILLE SPECIFIC PLAN



From: Residential, Low 5-7 du/acm and Study Area 6

To: Residential, Med 18-23 du/ac

Project Name: Decoto Villas, Fremont/Decoto GPA, & Fremont BI Townhomes

Project Number: PLN2006-00032, PLN2006-00105, PLN2006-00122 (CSPC Amend)

SR

EXHIBIT “B”

Attached to and made a part of

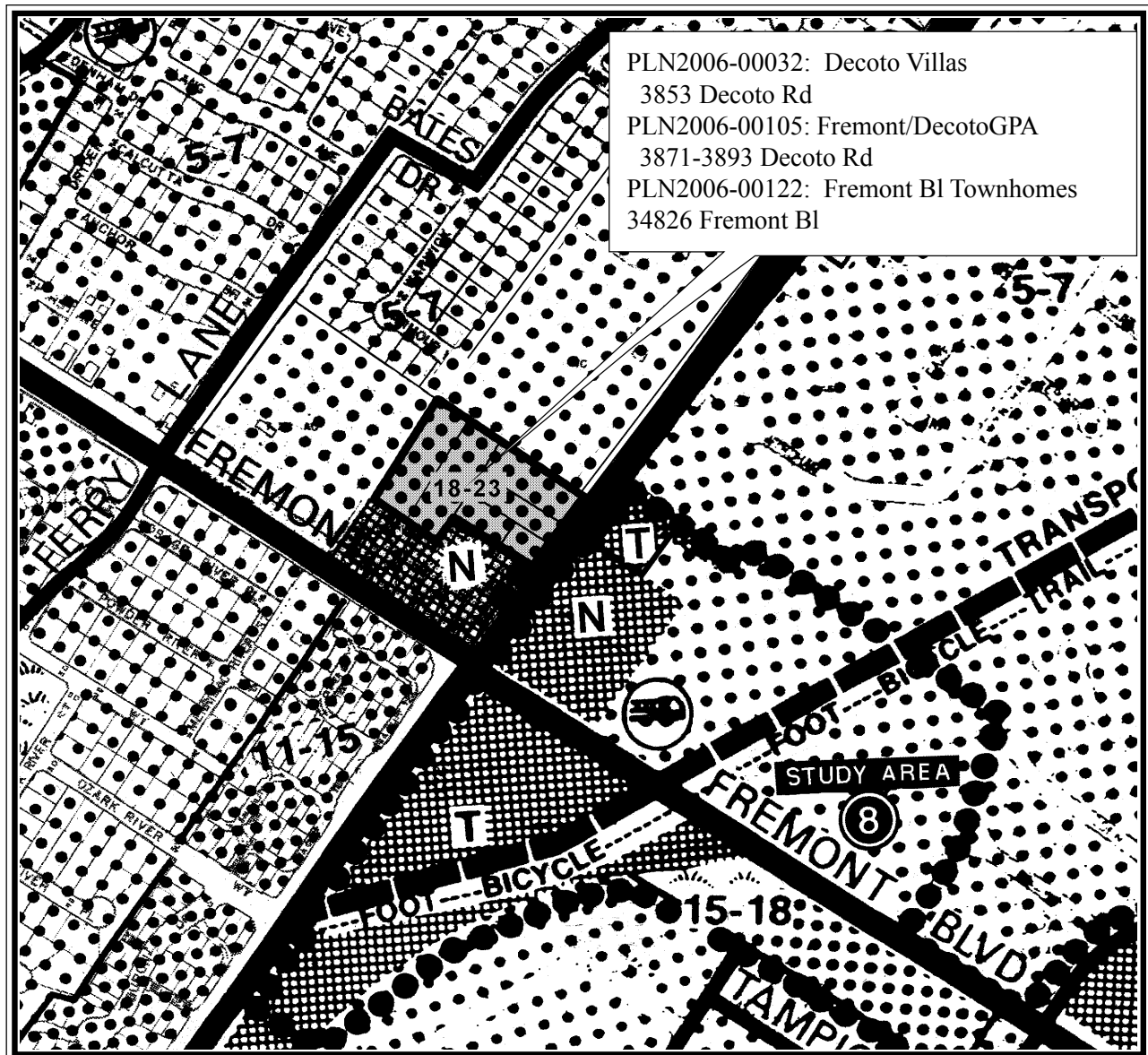
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 06 .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE NORTHERN PLAIN PLANNING AREA



From: Residential, Low 5-7 du/ac, Study Area 6

To: Residential, Med 18-23 du/ac

[pc on 2005-01-26] 54-392

Project Name(s): Decoto Villas, Fremont/Decoto GPA, & Fremont BI Townhomes

Project Number(s): PLN2006-00032, PLN2006-00105, & PLN2006-00122 (gpa)

SR